

Notice of Allowability

Application No.

10/603,527

Examiner

Zia R. Hashmi

Applicant(s)

REILLY ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/2004.
2. ☒ The allowed claim(s) is/are 4,10-14,23,25,26,29 and 31-33.
3. ☒ The drawings filed on 25 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/16/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. An "Amendment" was received on August 30, 2004 in response to Office Action of May 27, 2004. Claims 1-3, 5-9, 15-22, 24, 27-28, 30 and 34-41 are canceled and claims 4, 10-14, 23, 25-26, 29 and 31-33 have been amended, as indicated.
2. Amended claims 4, 10-14, 23, 25-26, 29 and 31-33 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. With respect to independent claims 4, 10, and 33, prior art fails to disclose a mass spectrometer, comprising: a sample chamber configured to receive a number of samples for mass spectral analysis, the sample chamber adapted to be evacuated to a first pressure, a gate valve having a door, the gate valve being interposed between the sample chamber and the ionization chamber which is positionable between an open position and a closed position, wherein (i) when the door is positioned in the open position, the sample chamber is in fluid communication with the ionization chamber, and (ii) when the door is in the closed position the sample chamber is substantially in fluid isolation from the ionization chamber, the sample substrate comprising a tape having a first end thereof secured to a supply reel and a second end thereof secured to a take-up reel, and both the supply reel and the take-up reel positioned in the sample chamber, a portion of the tape between the supply reel and the take-up reel is positioned in the ionization chamber when the door is positioned in the open position.

5. With respect to independent claims 23 and 29, prior art fails to disclose a method and apparatus of performing mass spectral analysis, the method comprising the steps of: positioning a number of samples for mass spectral analysis in a sample chamber, the positioning step comprising disposing the number of samples on a tape, evacuating the sample chamber to a first pressure subsequent to positioning the number of samples therein, subjecting the number of samples positioned in the sample chamber to the first pressure for a time period, and advancing the number of samples from the sample chamber to an ionization chamber after the time period, the advancing step comprising advancing the tape to the ionization chamber, wherein the ionization chamber has a second pressure therein that is less than the first pressure.

Claims 11-14, 25-26 and 31-32 are allowed by virtue of their dependencies on the independent claims 4, 10, 23 and 29.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments of Statement of Reasons for Allowance".

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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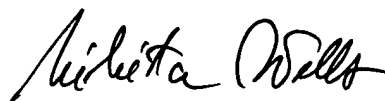
have questions on access to the Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473.

The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477.

Zia Hashmi

October 7, 2004



NIKITA WELLS
PRIMARY EXAMINER

10/07/04